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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,595	01/23/2004	Douglas Hamrick		8981

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Canal Winchester, OH 43110

EXAMINER
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HAN, JASON

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/764,595	Applicant(s) HAMRICK, DOUGLAS	
	Examiner Jason M. Han	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-16, 19-28 and 31-38 is/are rejected.
- 7) ☐ Claim(s) 6, 7, 17, 18, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. In response to Applicant's arguments on Pages 1-4, it should be noted that the Examiner took a broad interpretation of the claims [MPEP 2111], whereby the prior art of record remains commensurate to the scope of the claims as stated by the Applicant.
2. Applicant is encouraged to further limit or recite the structural details within the claim language that is believed to render it patentable over the prior art. Below is an elucidation of the Examiner's interpretation and rejections, as well as a response to Applicant's arguments with respect to said rejections.
3. With regards to Applicant's argument concerning the second feature of Claim 1 (p. 6), Schwartz teaches that the plurality of LEDs have the capability of being selectively activated to produce either red or green light [Column 6, Lines 62-67].
4. With regards to Applicant's argument concerning the third feature of Claim 1 (p. 7-9), the prior art remains commensurate, whereby Schwartz teaches means for selective activation of the plurality of LEDs to produce either red or green light via switches [Column 9, Lines 6-26].
5. With regards to Applicant's argument concerning the fourth feature of Claim 1 (p. 9-10), the prior art remains commensurate, whereby Schwartz provides means for passing light from the selected red or green illumination in the form of indicia symbolizing an exit via the lettering or arrows [Figure 1: (13-18); Figures 3-4: (31)].
6. With regards to Applicant's argument concerning Claim 2 (p. 10-12), the Examiner's interpretation renders the claim unpatentable given that the LEDs of two

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colors in Figure 8 would provide a yellow color if fed with an alternating current. It should further be mentioned that to the Applicant's admission, combining red and green colors to produce yellow is old in the art of additive color mixing. At present, the prior art remains commensurate to the scope of the claim, whereby selective activation of the LEDs is provided with the fact that the LEDs may be supplied with an alternating current or be powered at two different polarities to produce either red or green light.

7. With regards to Applicant's argument concerning Claim 3 (p. 13-15), the prior art remains commensurate, whereby the means for selective activation of the monochrome LEDs is through the individual switches [Column 9, Lines 6-25]. The very nature that the arrows can be turned on and off is considered a sufficient teaching as a means for selective activation.

8. With regards to Applicant's argument concerning the switches (p. 16-17), it remains clear that either single-pole or double-pole single throw switches could be used for monochrome LEDs or single-pole double throw switches for bi-color LEDs. At present, the prior art remains commensurate to the scope of the claim.

9. With regards to Applicant's argument concerning Claim 4 (p. 17-19), the prior art remains commensurate, whereby the single-pole double throw switch is considered sufficient means for selective activation of the bi-color LEDs [Column 9, Lines 12-20].

10. With regards to Applicant's argument concerning Claim 5 (p. 19-20), the prior art remains commensurate, whereby Schwartz clearly discloses means for optically diffusing the light via an optical diffuser [Column 6, Lines 28-36].

11. With regards to Applicant's argument concerning Claim 9 (p. 21-23), the prior art remains commensurate, whereby the arrows [Figure 1: (17-18)] are sufficient in symbolizing or indicating an exit.

12. With regards to Applicant's argument concerning Claim 10 (p. 23), the prior art remains commensurate, whereby Schwartz's arrows are a means for passing light from the selected red or green light as a directional symbol.

13. With regards to Applicant's argument concerning the second feature of Claim 15 (p. 26-30), Schwartz teaches that the plurality of monochrome LEDs have the capability of being selectively activated to produce either red or green light [Column 6, Lines 62-67].

14. With regards to Applicant's argument concerning the third feature of Claim 15 (p. 30-33), it remains clear that the directional symbols are adequate means as an indicia signaling an exit, and whereby Schwartz teaches means for selective activation of the plurality of monochrome LEDs to produce either red or green light via switches [Column 9, Lines 6-26].

15. With regards to Applicant's argument concerning the fourth feature of Claim 15 (p. 33), the prior art remains commensurate, whereby Schwartz provides means for passing light from the selected red or green illumination in the form of indicia symbolizing an exit via the lettering or arrows [Figure 1: (13-18); Figures 3-4: (31)].

16. With regards to Applicant's argument concerning Claim 20 (p. 34-36), the prior art remains commensurate, whereby the arrows [Figure 1: (17-18)] are sufficient in symbolizing or indicating an exit.

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17. With regards to Applicant's argument concerning the second feature of Claim 27 (p. 41-43), the prior art remains commensurate, whereby Schwartz teaches that the plurality of bi-color LEDs have the capability of being selectively activated to produce either red or green light via switches [Column 6, Lines 62-67; Column 9, Lines 11-20].

18. With regards to Applicant's argument concerning the third feature of Claim 27 (p. 43-45), it remains clear that the directional symbols are adequate means as an indicia signaling an exit, and whereby Schwartz teaches means for selective activation of the plurality of bi-color LEDs to produce either red or green light via switches [Column 9, Lines 6-26].

19. With regards to Applicant's argument concerning the fourth feature of Claim 27 (p. 45), the prior art remains commensurate, whereby Schwartz provides means for passing light from the selected red or green illumination in the form of indicia symbolizing an exit via the lettering or arrows [Figure 1: (13-18); Figures 3-4: (31)].

20. With regards to Applicant's argument concerning Claim 28 (p. 46-48), the Examiner's interpretation renders the claim unpatentable given that the bi-color LEDs could provide a yellow color if fed with an alternating current. It should further be mentioned that to the Applicant's admission, combining red and green colors to produce yellow is old in the art of additive color mixing. At present, the prior art remains commensurate to the scope of the claim, whereby selective activation of the LEDs is provided with the fact that the LEDs may be supplied with an alternating current or be powered at two different polarities to produce either red or green light to mix to form yellow.

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21. With regards to Applicant's argument concerning Claim 32 (p. 49-51), the prior art remains commensurate, whereby the arrows [Figure 1: (17-18)] are sufficient in symbolizing or indicating an exit.

22. Applicant's arguments, see Pages 54-58, filed October 31, 2005, with respect to Claims 6-7 have been fully considered and are persuasive. The rejection of claims has been withdrawn.

23. With regards to Applicant's argument concerning Claims 11-12 (p. 58-61), the Applicant does not provide adequate response to the obviousness or motivation for combining the two references, and at present, the prior art of Schwartz in view of Mueller et al. remains commensurate to the scope of the claims.

24. With regards to Applicant's argument concerning Claim 16 (p. 62-65), the prior art remains commensurate, whereby Schwartz teaches means for selective activation of the plurality of monochrome LEDs to produce either red or green light via switches [Column 9, Lines 6-26]. The Applicant also does not provide adequate response or arguments (p. 64) concerning the obviousness of the rejection.

25. Applicant's arguments, see Pages 65-68, filed October 31, 2005, with respect to Claims 17-18 have been fully considered and are persuasive. The rejection of claims has been withdrawn.

26. With regards to Applicant's argument concerning Claims 22-23 (p. 68-71), the Applicant does not provide adequate response to the obviousness or motivation for combining the two references, and at present, the prior art of Schwartz in view of Mueller et al. remains commensurate to the scope of the claims.

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27. Applicant's arguments, see Pages 72-75, filed October 31, 2005, with respect to Claims 29-30 have been fully considered and are persuasive. The rejection of claims has been withdrawn.

28. With regards to Applicant's argument concerning Claims 34-35 (p. 76-79), the Applicant does not provide adequate response to the obviousness or motivation for combining the two references, and at present, the prior art of Schwartz in view of Mueller et al. remains commensurate to the scope of the claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

29. Claims 1-5, 8-10, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwartz (U.S. Patent 5697175).

30. With regards to Claim 1, Schwartz discloses an exit sign including:

- A housing [Figure 1: (11)];
- A plurality of LEDs [Figures 3-4: (39)] having the capability of being selectively activated to produce either red light or green light [Column 6, Lines 45-49, 62-67], said plurality of LEDs being mounted in mutual lighting association in said housing;
- Means for selective activation of said plurality of LEDs to produce either said red light or said green light [Column 9, Lines 6-26];

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- Means for passing light from selected said red light or selected said green light in the form of indicia symbolizing an exit enabling viewing by an observer [Figure 1: (13-18); Figures 3-4; (31)];
- Means for optically diffusing said light positioned in said housing juxtapositioned to said plurality of LEDs and said means for passing light [Figure 4: (42, 43)];
- DC circuitry [Figure 5] in operative electrical connection with said plurality of LEDs; and
- A source of electrical power activating said DC circuitry [Figure 5: (54, 55); Column 9, Lines 26-58].

31. With regards to Claim 2, Schwartz discloses the plurality of LEDs having the capability of being selectively activated by said means for selective activation to simultaneously emit both said red light and said green light so as to produce yellow light, and wherein said means for selective activation of said plurality of LEDs to produce both of said red light and said green light includes means to produce both said red light and said green light so as to produce said yellow light, wherein said yellow light passes through said means for passing light enabling viewing of said indicia by an observer [Column 6, Lines 62-67; Column 7, Lines 37-49].

32. With regards to Claim 3, Schwartz discloses the plurality of LEDs including a plurality of monochrome red LEDs and a plurality of monochrome green LEDs, whereby each said monochrome red LED having the capability of being activated by said means for selective activation to produce said red light, and each said monochrome green LED

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having the capability of being activated by said means for selective activation to produce said green light [Column 7, Lines 37-49; Column 9, Lines 8-11, 20-26].

33. With regards to Claim 4, Schwartz discloses the plurality of LEDs including a plurality of bicolor LEDs, whereby each said bicolor LED has the capability of being activated by said means for selective activation to produce either said red light or said green light [Column 6, Lines 62-67; Column 9, Lines 10-17].

34. With regards to Claim 5, Schwartz discloses the means for optically diffusing the light being an optical diffuser [Column 6, Lines 28-36].

35. With regards to Claim 8, Schwartz discloses the indicia symbolizing an exit being four independent letters forming the word "EXIT" [Figure 1: (13-16)].

36. With regards to Claim 9, Schwartz discloses the indicia symbolizing an exit including at least one symbol indicating an exit [Figure 1: (17-18)].

37. With regards to Claim 10, Schwartz discloses the means for passing light from selected said red light or selected said green light being in the form of at least one directional symbol enabling viewing by an observer [Figure 1: (17-18)].

38. With regards to Claim 13, Schwartz discloses battery means [Figure 5: (54)] for providing emergency DC power to said plurality of LEDs in the event of failure of electrical DC power [Column 9, Lines 37-40].

39. With regards to Claim 14, Schwartz discloses means for providing emergency light [Column 10, Lines 1-7] including a plurality of monochrome LEDs [Column 7, Lines 37-49; Column 9, Lines 8-11, 20-26], whereby said means for producing emergency light is in electrical connection to said battery means [Figure 5: (54)].

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40. Claims 15, 19-21, and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwartz (U.S. Patent 5697175).

41. With regards to Claim 15, Schwartz discloses an exit sign including:

- A housing [Figure 1: (11)];
- A plurality of monochrome red LEDs and a plurality of green LEDs [Figures 3-4: (39); Column 7, Lines 37-49; Column 9, Lines 8-11, 20-26] having the capability of being selectively activated to produce either red light or green light [Column 6, Lines 45-49], said plurality of monochrome red LEDs and said plurality of monochrome green LEDs being mounted in mutual lighting association in said housing;
- Means for selective activation of either said plurality of monochrome red LEDs to produce said red light or said plurality of monochrome green LEDs to produce said green light [Column 9, Lines 6-26];
- Means for passing light from selected said red light or selected said green light in the form of indicia symbolizing an exit enabling viewing by an observer [Figure 1: (13-18); Figures 3-4; (31)];
- Means for optically diffusing said light [Figure 4: (42, 43)] positioned in said housing juxtapositioned to said plurality of monochrome red LEDs and said plurality of monochrome green LEDs and said means for passing light;
- DC circuitry [Figure 5] in operative electrical connection with said plurality of monochrome red LEDs and said plurality of monochrome green LEDs; and

- A source of electrical power activating said DC circuitry [Figure 5: (54, 55); Column 9, Lines 26-58].

42. With regards to Claim 19, Schwartz discloses the indicia symbolizing an exit being four independent letters forming the word "EXIT" [Figure 1: (13-16)].

43. With regards to Claim 20, Schwartz discloses the indicia symbolizing an exit including at least one symbol indicating an exit [Figure 1: (17-18)].

44. With regards to Claim 21, Schwartz discloses the means for passing light from selected said red light or selected said green light being in the form of at least one directional symbol enabling viewing by an observer [Figure 1: (17-18)].

45. With regards to Claim 24, Schwartz discloses the means for optically diffusing said red light and said green light being an optical diffuser [Column 6, Lines 28-36].

46. With regards to Claim 25, Schwartz discloses battery means [Figure 5: (54)] for providing emergency DC power to said plurality of monochrome red LEDs and said plurality of monochrome green LEDs in the event of failure of electrical DC power [Column 9, Lines 37-40, 59-67].

47. With regards to Claim 26, Schwartz discloses means for providing emergency light [Column 10, Lines 1-7] including a plurality of monochrome LEDs [Column 7, Lines 37-49; Column 9, Lines 8-11, 20-26], whereby said means for producing emergency light is in electrical connection to said battery means [Figure 5: (54)].

48. Claims 27-28, 31-33, and 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwartz (U.S. Patent 5697175).

49. With regards to Claim 27, Schwartz discloses an exit sign including:

- A housing [Figure 1: (11)];
- A plurality of bicolor red and green LEDs [Figures 3-4: (39); Column 6, Lines 62-67; Column 9, Lines 10-17] having the capability of being selectively activated to produce either red light or green light [Column 6, Lines 62-67], said plurality of bicolor red and green LEDs being mounted in mutual lighting association in said housing;
- Means for selective activation of either said plurality of bicolor LEDs to produce either said red light or said green light [Column 9, Lines 10-17, 59-67];
- Means for passing light from selected said red light or selected said green light in the form of indicia symbolizing an exit enabling viewing by an observer [Figure 1: (13-18); Figures 3-4; (31)];
- Means for optically diffusing said red light or said green light [Figure 4: (42, 43)] positioned in said housing juxtapositioned to said plurality of bicolor red and green LEDs and said means for passing light;
- DC circuitry [Figure 5] in operative electrical connection with said plurality of bicolor red and green LEDs; and
- A source of electrical power activating said DC circuitry [Figure 5: (54, 55); Column 9, Lines 26-58].

50. With regards to Claim 28, Schwartz discloses the plurality of bicolor red and green LEDs having the capability of being selectively activated by said means for selective activation to simultaneously emit both said red light and said green light so as

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to produce yellow light, wherein said yellow light passes through said means for passing light enabling viewing of said indicia by an observer [Column 6, Lines 45-49, 62-67; Column 7, Lines 37-49].

51. With regards to Claim 31, Schwartz discloses the indicia symbolizing an exit being four independent letters forming the word "EXIT" [Figure 1: (13-16)].

52. With regards to Claim 32, Schwartz discloses the indicia symbolizing an exit including at least one symbol indicating an exit [Figure 1: (17-18)].

53. With regards to Claim 33, Schwartz discloses the means for passing light from selected said red light or selected said green light being in the form of at least one directional symbol enabling viewing by an observer [Figure 1: (17-18)].

54. With regards to Claim 36, Schwartz discloses the means for optically diffusing said red light and green light being an optical diffuser [Column 6, Lines 28-36].

55. With regards to Claim 37, Schwartz discloses battery means [Figure 5: (54)] for providing emergency DC power to said plurality of bicolor red and green LEDs in the event of failure of electrical DC power [Column 9, Lines 37-40, 59-67].

56. With regards to Claim 38, Schwartz discloses means for providing emergency light [Column 10, Lines 1-7] including a plurality of monochrome LEDs [Column 7, Lines 37-49; Column 9, Lines 8-11, 20-26], whereby said means for producing emergency light is in electrical connection to said battery means [Figure 5: (54)].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

57. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz (U.S. Patent 5697175) as applied to Claim 1 above, and further in view of Mueller et al. (U.S. Publication 2003/0133292).

Schwartz discloses the claimed invention as cited above, but does not specifically teach the means for selective activation to produce either of said red light or said green light being a two-position DIP switch (re: Claim 11), nor teaches said DIP switch including the capability to simultaneously activate both said red light and said green light so as to produce yellow light (re: Claim 12).

Mueller teaches, "These equations may be applied directly or may be used to create a look-up table so that binary values corresponding to a particular color temperature can be determined quickly. This table can reside in any form of programmable memory for use in controlling color temperature (such as, but not limited to, the control described in U.S. Pat. No. 6,015,038). In another embodiment, the light could have a selection of switches, such as DIP switches enabling it to operate in a stand-alone mode, where a desired color temperature can be selected using the switches, and changed by alteration of the stand alone product. The light could also be remotely programmed to operate in a standalone mode as discussed above [Page 17, Paragraph 188]."

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the exit sign of Schwartz to incorporate the DIP switch of Mueller so

as to provide a quick, simple (single component) means in controlling color temperature, and thus enhance visibility or ostentatiously provide different warning illuminations.

58. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz (U.S. Patent 5697175).

59. With regards to Claim 16, Schwartz discloses the claimed invention as cited above. In addition, Schwartz teaches the plurality of monochrome red LEDs and monochrome green LEDs having the capability of being selectively activated by said means for selective activation to emit both said red light and said green light [Column 6, Lines 45-49; Column 7, Lines 37-49], but does not specifically teach said means for selective activation to simultaneously emit said red and said green light to produce yellow light, wherein said yellow light passes through said means for passing light enabling viewing of said indicia by an observer.

However, Schwartz does teach bicolor LEDs, whereby said LEDs are fed with AC to concurrently emit red and green light, so as to mix to form yellow light [Column 6, Lines 62-67].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the exit sign of Schwartz to incorporate the principle teaching of mixing red and green light to form yellow light, as taught by Schwartz, with the single monochrome colored LEDs, which are typically cheaper and inexpensive.

60. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz (U.S. Patent 5697175) as applied to Claim 15 above, and further in view of Mueller et al. (U.S. Publication 2003/0133292).

Schwartz discloses the claimed invention as cited above, but does not specifically teach the means for selective activation of said plurality of LEDs to produce either of said red light or said green light being a two-position DIP switch (re: Claim 22), nor teaches said DIP switch including the capability to simultaneously activate both said red light and said green light so as to produce yellow light (re: Claim 23).

Mueller teaches, "These equations may be applied directly or may be used to create a look-up table so that binary values corresponding to a particular color temperature can be determined quickly. This table can reside in any form of programmable memory for use in controlling color temperature (such as, but not limited to, the control described in U.S. Pat. No. 6,015,038). In another embodiment, the light could have a selection of switches, such as DIP switches enabling it to operate in a stand-alone mode, where a desired color temperature can be selected using the switches, and changed by alteration of the stand alone product. The light could also be remotely programmed to operate in a standalone mode as discussed above [Page 17, Paragraph 188]."

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the exit sign of Schwartz to incorporate the DIP switch of Mueller so as to provide a quick, simple (single component) means in controlling color temperature, and thus enhance visibility or ostentatiously provide different warning illuminations.

61. Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz (U.S. Patent 5697175) as applied to Claim 27 above, and further in view of Mueller et al. (U.S. Publication 2003/0133292).

Schwartz discloses the claimed invention as cited above, but does not specifically teach the means for selective activation of said plurality of bicolor LEDs to produce either of said red light or said green light being a two-position DIP switch (re: Claim 34), nor teaches said DIP switch including the capability to simultaneously activate both said red light and said green light of said plurality of bicolor LEDs so as to produce yellow light (re: Claim 35).

Mueller teaches, "These equations may be applied directly or may be used to create a look-up table so that binary values corresponding to a particular color temperature can be determined quickly. This table can reside in any form of programmable memory for use in controlling color temperature (such as, but not limited to, the control described in U.S. Pat. No. 6,015,038). In another embodiment, the light could have a selection of switches, such as DIP switches enabling it to operate in a stand-alone mode, where a desired color temperature can be selected using the switches, and changed by alteration of the stand alone product. The light could also be remotely programmed to operate in a standalone mode as discussed above [Page 17, Paragraph 188]."

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the exit sign of Schwartz to incorporate the DIP switch of Mueller so as to provide a quick, simple (single component) means in controlling color temperature, and thus enhance visibility or ostentatiously provide different warning illuminations.

***Allowable Subject Matter***

62. Claims 6-7, 17-18, and 29-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

63. The following is a statement of reasons for the indication of allowable subject matter: Dependent Claims 6, 17, and 29 recite sufficient structure defining the means for passing light via a stencil, whereby the prior art fails to teach or suggest the combination of structural elements disclosed and claimed herein.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

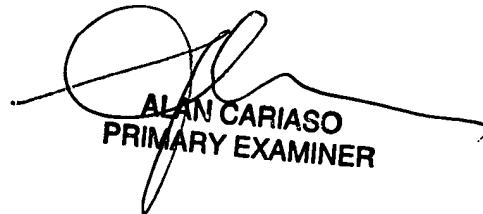
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH (1/9/2006)



ALAN CARIASO  
PRIMARY EXAMINER